

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARC GRANO,

Plaintiff,

v.

Civ. No. 20-147 PJK/KK

STATE OF NEW MEXICO, *et al.*,

Defendants.

**ORDER SETTING EVIDENTIARY HEARING**  
**ON PLAINTIFF'S MOTION TO COMPEL**

THIS MATTER is before the Court on Plaintiff's Motion to Compel and for Sanctions (Doc. 101), filed March 1, 2022. The Court, having heard the arguments of counsel at a hearing on April 12, 2022, will hold an evidentiary hearing on the motion on **Friday, April 29, 2022, at 1:30 p.m. This proceeding will be held via Zoom videoconferencing** with all participants appearing remotely. Participants should use the following information to connect to the proceeding:

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Participants should connect to the proceeding **no earlier than fifteen (15) minutes but no later than ten (10) minutes** before it is scheduled to start to resolve any connectivity issues. Participants are encouraged to use a headset to reduce static and background noise; if not using a headset, participants must ensure that the audio feed at their location is muted when not speaking.

**\*\*\*Recording or broadcasting of this conference is prohibited.\*\*\***

No later than **Tuesday, April 19, 2022**, Defendants shall file a supplemental response to Plaintiff's Motion to Compel and for Sanctions, which shall provide the following information:

(1) The names and job titles of the records custodians who have or should have custody of the following records: (a) medical records regarding Jonathan Garcia while in the custody of the New Mexico Corrections Department ("NMCD"), including but not limited to EKG reports or tracings and requests Mr. Garcia made for medical care; and, (b) Mr. Garcia's inmate file while in the custody of the NMCD, including the documents listed in the NMCD Inmate Record Index attached to Plaintiff's motion (Doc. 101-2), and any documents Mr. Garcia submitted pursuant to the NMCD's inmate grievance procedure;

(2) The location(s) where the types of inmate records listed in paragraph (1), *supra*, are kept; and,

(3) The steps Defendants have taken to locate the documents listed in paragraph (1), *supra*, in the course of this litigation, including (a) when each step was taken, (b) by whom, and (c) what was done, *e.g.*, who was contacted or what archive or database was searched.

Defendants may attach affidavits to support the facts alleged in their supplemental response and shall have one or more witnesses available to testify to these facts and to answer the Court's questions regarding them at the evidentiary hearing.

IT IS SO ORDERED.

  
KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE